

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

EVAN SHARON HARRIS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-0631-F
)	
GARFIELD COUNTY DETENTION)	
FACILITY, et al.,)	
)	
Defendants.)	

ORDER

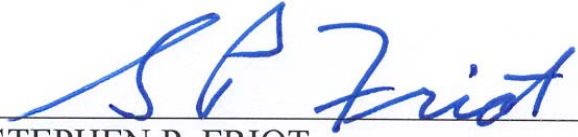
The Report and Recommendation of Magistrate Judge Doyle W. Argo is before the court. (Doc. no. 9.) Plaintiff is a prisoner appearing *pro se*, and his pleadings are liberally construed.

This action is brought under 42 U.S.C. § 1983, alleging violation of plaintiff's constitutional rights. The Report recommends that this action be dismissed without prejudice, due to plaintiff's failure to pay the filing fee. The Report also recommends that, in light of the recommended dismissal, plaintiff's motion for appointment of counsel be denied. The Report further advises that any objections must be filed by July 19, 2007, and that failure to make timely objection waives plaintiff's right to appellate review of both factual and legal issues contained in the Report. Although the copy of the Report was mailed to the plaintiff by the court at plaintiff's record address, that copy has been returned to the court marked "not deliverable as addressed." No objection has been filed, and no request for an extension of time within which to object has been filed. The filing fee remains unpaid.

After review of all issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, Magistrate Judge

Argo's Report and Recommendation is hereby **ACCEPTED, ADOPTED, and AFFIRMED**. This action is **DISMISSED** without prejudice for failure to pay the filing fee, and plaintiff's motion for appointment of counsel is **DENIED**.

Dated this 1st day of August, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

07-0631p002(pub).wpd